

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JON FLEMING, individually,

Plaintiff,

v.

STATE OF WASHINGTON DEPARTMENT
OF CORRECTIONS, SGT. JOHN DOE
TACKETT; CORRECTIONS OFFICER JOSE
PORRES; CORRECTIONS OFFICER JOHN
DOE VAN OGLE; LT. JOHN DOE
HAYWARD; C. MAY; DOUGLAS
WADDINGTON; and JOHN DOES 1 – 10,

Defendants.

Case No. C07-5246FDB

ORDER RE WITHDRAWAL OF
COUNSEL and for RESPONSE RE
PLAINTIFF'S INTENTIONS

Plaintiff, a prisoner at the Monroe Correctional Center, through counsel filed a civil rights complaint alleging improper use of an electronic immobilization device, known as a "stun belt" when he was being prepared for transportation to Western State Hospital for evaluation.

Plaintiff's counsel, Mark Leemon, now moves to withdraw, stating that he has discussed his reasons for bringing the motion with Plaintiff, whom he says has expressed full understanding.

Counsel also states that although discovery cut-off is July 21, 2008, depositions of all fact witnesses who are employees of the defendant have been completed, and that counsel will provide transcripts


1 of these depositions to plaintiff without cost, should he wish to continue with this matter. The trial
2 date is November 17, 2008.

3 Before counsel will be allowed to withdraw, Plaintiff Jon Fleming must advise the Court
4 whether he will seek new counsel or proceed on his own, pro se. ACCORDINGLY,

5 **IT IS ORDERED:** Plaintiff shall advise the Court by **no later than July 25, 2008** whether
6 he intends to obtain new counsel or proceed pro se. An appearance by new counsel, if any, must be
7 filed by July 25, 2008. The Court will address Plaintiff's motion to withdraw once it learns of
8 Plaintiff's intentions.

9 The Clerk shall renote the Motion to Withdraw for July 25, 2008.

10 DATED this 20th day of June, 2008.

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13 FRANKLIN D. BURGESS
14 UNITED STATES DISTRICT JUDGE
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